

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,)
Plaintiff,)
)
V.) Case No.
)
ROBERT MARTIN)
Defendant.)

COMPLAINT

Plaintiff, the United States of America, by and through its attorney, Jae Y. Kim, for the District of New Jersey hereby sets forth its Complaint against Defendant, Robert Martin (herein after “Defendant”) and states as follows:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. §1345.
2. Plaintiff is the United States of America, acting through the Department of the Treasury’s Bureau of the Fiscal Service (hereinafter “Treasury”) on behalf of the Centers for Medicare and Medicaid Services (hereinafter “CMS”). The debt was referred to the Treasury in accordance with the Debt Collections Improvement Act of 1996 (DCIA) (31 U.S.C. § 3701 *et seq.*)
3. The Defendant, Robert Martin, is a New Jersey resident whose last known address is in Absecon, NJ.

4. On September 7, 2018 the Department of Health and Human Services (hereinafter referred to as “HHS”) referred claims owed to the Treasury’s Bureau of the Fiscal Service, Debt Management Services (hereinafter referred to as “DMS”) for litigation and collection. See Exhibit “A” line 36 attached hereto and incorporated herein.
5. On August 24, 2020, DMS referred the claim to the U.S. Department of Justice (hereinafter “DOJ”). The DOJ received referral on September 11, 2020 and sent a demand letter to the Defendant with payment instructions included for the total amount due of \$14,015.31. See Exhibit “B” attached hereto and incorporated herein.
6. On or around February 5, 2019, the debtor filed an appeal and dispute which resulted in a denial of redetermination due to having an invalid defense. The dispute was responded to on March 5, 2019 and resolved. See Exhibit “C” attached hereto and incorporated herein.
7. On August 1, 2018, HHS/CMS determined that the Defendant was delinquent for an overpayment in the amount of \$13,372.72 with an annual interest rate of 10.63%, for CMS services rendered. Letters advising of overpayment and requesting payment have been sent by HHS with no

response from Defendant. HHS then referred the debt to Treasury. See Exhibit "D" attached hereto and incorporated herein.

8. On August 24, 2020, Treasury/DMS sent a Notice of Litigation Referral to the U.S. Department of Justice (hereinafter "DOJ") for TRFM25693392, advising intent to refer the debt over to the DOJ for enforced collection through litigation in the amount of \$13,372.72 with a daily interest of \$3.89. See Exhibit "D" attached hereto and incorporated herein.

9. As of May 28, 2024 the debt owed to the United States of America is as follows:

a. Principal:	\$13,372.72
b. Interest (@10.63%)	\$ 5,919.76
Total Due (as of 7/31/24)	\$19,292.48

10. The Defendant has failed to pay the aforementioned sum although demand has been duly made.

WHEREFORE, the United States respectfully request that this Court enter a judgment against the Defendant(s) in the amount of \$19,292.48 plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and post judgment interest pursuant to 28 U.S.C. § 1961 and that interest on the

judgment be at the legal rate until paid in full; and any other relief such as the Court may deem just and proper. For all attorney's fees to the extent allowed by law; filing fee of \$400.00 as permitted by 28 U.S.C. § 2412 (a)(2); and for such other relief which the Court deems proper.

Respectfully submitted,

By: /s/ Jae Y. Kim
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Date: 8/1/24